

STATE OF TEXAS
 COUNTY OF BRAZORIA
 CITY OF WEST COLUMBIA

CITY COUNCIL MINUTES
 OF A REGULAR MEETING
 MONDAY, APRIL 9th, 2012

The City Council of the City of West Columbia, Texas, convenes this the 9th day of April, 2012, at 7:00 p.m. in a regular meeting in the Council Chambers, 512 E. Brazos, West Columbia, Texas.

1. INVOCATION & PLEDGE. Invocation was given by Alderman Walker.
2. ROLL CALL. Kincannon called the roll of the Council.
 Present: Mayor Kincannon, Aldermen Thomas, Tindol, Schwebel, and Gilbert.
 City Manager Sutherland, and City Attorney Griggs.
 Absent: City Secretary Kuban.
3. MAYOR AND CITY COUNCIL GREETINGS AND PRESENTATIONS: Marvin Kilsby, Fire Marshal, introduced himself to those present; Tindol gave a San Jacinto Festival event update; Walker reported on Columbia United; Kincannon commended CEMS and the Police Department, specifically Officer Wiley, for their handling of an event involving her new grandbaby at Walmart. She presented the Employee of the Month award to Miguel Camero.
4. CITIZENS' COMMENTS: Mrs. Alma Spears stated her appreciation of the Fire Department for their recent presentation.
5. CITY MANAGER'S REPORT: Sutherland reported that there was an agenda item for No Thru Trucks on Business 35; there will be a meeting with the utility companies regarding the highway 36 Overpass Project this week; The police report will include a status update of the emergency siren; the Columbia Museum contract is still under review; Kidfish was a successful event and sponsors were announced; smoke testing was conducted in Rainbow Subdivision and a manhole was repaired on Sinclair; drainage project had begun in the Denise, Stucker and Irwin area; TNMP requires a Pole Agreement for cities to use their power poles to hang banners, etc. and report of this meeting would be forthcoming; and city offices were closed last week on Good Friday.
6. CONSENT AGENDA:
 - A. APPROVAL OF MINUTES FROM PREVIOUS MEETING(S).
 - B. CITY TREASURER'S REPORT. Report was submitted in Council's packet.
 - C. POLICE DEPARTMENT REPORT. Report was submitted in Council's packet.
 - D. MUNICIPAL COURT REPORT. Report was submitted in Council's packet.
 - E. FIRE DEPARTMENT REPORT. Report was submitted in Council's packet.
 - F. CEMS. Report was submitted in Council's packet.
 - G. PUBLIC WORKS REPORT. Report was submitted in Council's packet.

Motion was made by Gilbert to remove the Police and Fire Department reports from consent agenda. Schwebel seconded motion. All voted Aye. Motion was made by Walker, seconded by Tindol and was duly adopted to approve all other Consent Agenda items. All voted Aye.
7. ITEMS REMOVED FROM CONSENT AGENDA: Chief Palmer reported that he was trying to reduce the cost of the repair to the emergency siren by hiring own electrical contractor to install. He reported that in the interim, fire fighters were being toned-out by radio and weather notifications would be made by the CTY phone system and social media. He also reported that the department would be ordering four electronic ticket writers through Tyler Technology and would be funded from the court Technology Fund. He reported that they would increase the amount of time officers would be on the street by eliminating the data entry process for the officers as well as for court personnel. Annual maintenance fees would also come from the same fund. Griggs stated that with separate invoices for the hardware and software would keep the

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purchase within the city manager's authorized purchasing discretion and then council could ratify the purchase at the next meeting. Gilbert then inquired about the number of volunteer fire fighters required by the state and stated that the city was required to provide or recruit them. He requested an executive session be scheduled for the next meeting to discuss how council can raise the numbers. Walker made motion to accept the Police and Fire Department reports. Tindol seconded the motion. All voted Aye.

8. OLD BUSINESS:

A. CAPITAL IMPROVEMENT COMMITTEE REPORT ON ACTION ASSETS AND

RECOMMENDATION ON POLICY PROCEDURES FOR FUTURE REQUESTS: Walker gave report of the meeting held at the request of Michael Lynch. In addition to the committee of himself, Robert Thomas, Matthew Fisher, Debbie Sutherland and David Sheblak, also present were the city secretary and Bill Womack at the request of the Mayor. He reported the determinations of the committee were that council acted in good faith and with standard operating procedures. Proper action was taken to remedy each issue as it arose and compliance was forced with property owner and council was kept abreast of each situation. It was also determined that city personnel acted reasonably and in accordance to standard procedure. The recommendations of the committee were that any future requests be denied unless annexation of property is placed in motion and that contractual agreements be made with property owners regarding rates, codes, etc. Schwebel discussed the issue of the county requiring a certificate of compliance for the trailer park to be tied into city utilities. She stated that Mr. Lynch wanted an ordinance in place to prevent this in the future and didn't feel the utility ordinance addressed it clearly. Gilbert commented that the ordinance addresses services within the city limits and the annexation would address that. In response to Schwebel stating that the city learned a hard lesson, Walker responded that the majority of complaints, other than those that had come from Mr. Lynch, were those from the city against the property owner to bring him into compliance and that the final result was that the city had gained new water customers. After much discussion about additional wording to the ordinance regarding the prohibition of utility extensions outside city limits and variance requests, and the following of county and state statutes, Griggs reiterated Walker's report that the existing ordinance already calls for council approval of all extensions and he advised that it would be stating the obvious and he felt it would be unnecessary and redundant. Schwebel questioned an email statement by Sutherland that council action would most likely be needed to reinstate service to the trailer park which, she stated, did not happen. Council was reminded that the lawsuit with the county was filed after that. Schwebel then asked to hear from Gilbert and Thomas specifically. Thomas stated he felt that the changes would be repeating itself and Gilbert thought the recommendation of annexation could be added to the ordinance wording. Griggs agreed and advised to list the stipulations for variance procedures. Kincannon suggested a workshop be held. Tindol made motion to table the recommendations of the committee. Gilbert seconded motion. All voted Aye.

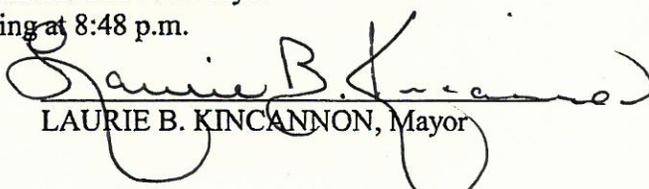
B. CONSIDER AMENDMENT TO PERSONNEL POLICY ON CELL PHONES: Motion was made by Schwebel, seconded by Gilbert to adopt the amendment to the personnel policy on cell phones. Walker questioned whether savings or additional costs would be realized if the city didn't adopt an all or none policy. All voted Aye.

9. NEW BUSINESS:

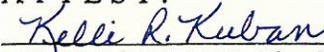
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- A. CONSIDER ORDINANCE ANNEXING PORTION OF WESTVIEW: Although the Metes and Bounds descriptions were now attached to the proposed ordinance, Griggs stated that the service plan was incorrect where stating that there were no current water or sewer services in the area. Motion was made by Schwebel, seconded by Tindol to approve the ordinance. Sutherland reported that there was one lot that had been omitted from the process and questioned whether it should be included or annexed at a later date. Griggs recommended to re-publish the notices, include additional lot, get new petition, etc. and stated that a majority ruled if lot owner opposed annexation. Motion was withdrawn. Walker made motion to table to add the omitted lot. Gilbert seconded the motion. All voted Aye.
- B. CONSIDER RECOMMENDATION ON COMMERCIAL TRUCKS IN RESIDENTIAL AREAS: Chief Palmer and Sutherland researched other city's ordinances and found ours to be in line by prohibiting commercial vehicles in residential areas. Whereas Palmer saw no need for changes, Sutherland suggested clarifying weight/weight rating definitions based on the transportation codes. Mr. Ivy addressed council of his reasons in favor of being able to park his commercial truck cab at his residence. Walker made motion to leave ordinance as it is written. Motion died for lack of a second. After further discussion was held regarding the original intent of the ordinance, no action was taken.
- C. CONSIDER ORDINANCE ADDING YIELD SIGN ON E. BERNARD NEAR S. 14TH STREET: Motion was made by Schwebel, seconded by Thomas. Discussion was held as to the record of any past accidents at this intersection and there were none. Schwebel, Thomas, and Walker voted Aye. Gilbert and Tindol voted Nay. Motion carried authorizing the city attorney to draft ordinance adding yield sign on E. Bernard at S. 14th.
- D. CONSIDER RATIFICATION OF EDC BUSINESS INCENTIVE GRANT RECOMMENDATIONS: Kincannon reported that an application of a church did not qualify. Schwebel made motion to grant funding of Runnin' Buddies Kool Wash sign improvement request and Thomas seconded. Walker questioned why funding should be granted to a business that did not generate sales tax. Thomas, Tindol, Schwebel and Gilbert voted Aye. Walker voted Nay. Motion carried.
- E. CONSIDER REQUESTS FOR ADJUSTMENTS TO UTILITY ACCOUNTS: Mrs. Weems and Mr. Todd were present to answer any questions of council. Motion was made by Walker, seconded by Tindol to forgive suspended or overage amount of Weems account. All voted Aye. Motion was made by Walker, seconded by Tindol to forgive suspended or overage amount of Todd account. All voted Aye.
- F. CONSIDER ORDINANCE ESTABLISHING BUSINESS HIGHWAY 35 AS NO THROUGH TRAFFIC BETWEEN BRAZOS AND S. COLUMBIA DRIVE: It was discussed that the ordinance was required for TxDOT to place signs. Motion was made by Tindol, seconded by Thomas to authorize the city attorney to draft ordinance closing Business Highway 35 to through truck traffic between Brazos and S. Columbia. All voted Aye.
11. ADJOURN: Mayor Kincannon adjourned the meeting at 8:48 p.m.


 LAURIE B. KINCANNON, Mayor

ATTEST:



 KELLI R. KUBAN, City Secretary